

Assembly Bill 2554

Emergency Medical Technicians Certificates

Author – Assembly Member Mark Ridley-Thomas (D – 48)

ISSUE

When exercising its explicit disciplinary authority, a local emergency medical services agency (LEMSA) is currently not required to take into consideration any other appropriately administered discipline that may otherwise also be concurrently imposed by an emergency medical technician's (EMT) employing agency, such as a fire department, which has supervisory and disciplinary control over its EMT certificate holders. As a result, some EMT disciplinary action imposed by a LEMSAs may be duplicative, inconsistent and excessive, which creates a punitive environment of double jeopardy in disciplinary matters.

EXISTING LAW

Several different agencies are authorized to issue EMT certificates under current law, but many of these agencies have little or no supervisory role over an EMT's daily exercise of his or her duties authorized under the certification. However, current law vests *explicit* authority for disciplining EMTs with only one entity - a local emergency medical services agency (LEMSA). Additionally, through required due process procedures defined by statute and case law, our state's fire departments also have the authority to discipline their EMT personnel.

THIS BILL

The public is best served when policies and procedures are enforced in a consistent and equitable manner. As such, AB 2554

prohibits a LEMSAs from taking disciplinary action against an EMT-I certificate holder unless the agency has developed specified EMT disciplinary policies and procedures and submitted such policies and procedures to the State Emergency Medical Services Authority on a biennial basis for review to ensure that they, at minimum, meet the due process safeguards provided in the Administrative Procedures Act.

SUMMARY

Specifically, this bill would:

- Require the medical director of a LEMSAs to consult with an EMT-I's employer prior to taking any disciplinary action against that certificate holder, as well as give credit for any disciplinary action imposed by the employer in specified instances, such as fraud, gross negligence and incompetence, among other acts.
- Prohibit a LEMSAs's medical director from imposing any further discipline on an EMT-I certificate holder where his/her employer has already imposed discipline for the same occurrence of that conduct.
- Enable a LEMSAs medical director to temporarily suspend an EMT-I certification after consulting with the EMT-I's employer and upon a determination that specified conditions have been met.
- Create uniformity by eliminating the existing duplicative and inconsistent EMT disciplinary system.

FAQs

Q: *How is the existing system procedurally inconsistent?*

A: While LEMSAs are required to develop policies and procedures that, at a minimum, provide the same due process rights as are provided by the Administrative Procedures Act, in reality, each LEMSA's disciplinary policies and procedures widely and in many cases DO NOT meet the minimum specifications as required by law. Fire departments and other public safety agencies currently have similar, if not identical, EMT disciplinary processes in place that meet or exceed the APA requirement.

Q: *How is the existing system duplicative when disciplining EMT certificate holders?*

A: Each entity's resultant remedies can often differ. For example, the EMT's employing fire department may decide to require an EMT to undergo training as part of the discipline imposed, while a county's LEMSA may decide to suspend the EMT as discipline for the same conduct – discipline that would result in putting the firefighter off the job.

BACKGROUND

The health and safety of Californians often depends on the timely response and competent care of such personnel.

Responding to an automobile accident, gunshot wound, heart attack, near drowning, unscheduled childbirth, or other life critical incident, emergency medical service personnel provide vital, life-saving pre-hospital attention to the public and assist in transporting the sick or injured to an appropriate medical facility.

Agencies charged with certifying Emergency Medical Technicians (EMTs) as critical health care providers have a duty to protect the integrity of the certificates they issue. Effective monitoring and supervision of an EMT's activity performed under the authority of the certificate is an integral component to assuring the safe and efficient

delivery of critical life saving services to the public.

Fire departments require their firefighters to obtain EMT-1 certifications as a matter of public safety – a requirement by the employer, not the LEMSA. It is only appropriate that the public safety agency have significant involvement in the disciplinary process of its EMTs.

SUPPORT

California Professional Firefighters
(Sponsor)
California Fire Chiefs Association
CDF Firefighters, Local 2881
California State Firefighters' Association
League of California Cities

OPPOSITION

Health Executives Association of California
Emergency Medical Directors Association of California, Inc.
Emergency Medical Services Administration
Association of California Emergency Nurses
Association, California Chapter
North Coast Emergency Medical Services

STATUS

Senate Floor – Third Reading

Senate Appropriations Committee: 13-0
Senate Health Committee: 9-0
Assembly Floor: 80-0
Assembly Appropriations Committee: 18-0
Assembly Health Committee: 12-0

FOR MORE INFORMATION

Contact:

Luanne Morikawa
(916) 319-2048

Vincent Harris
(916) 319-2048